

Article - State Government

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§9–303.3.

(a) In this section, “Ombudsman” means the Minority Business Enterprise Ombudsman in the Office.

(b) There is a Minority Business Enterprise Ombudsman appointed by the Special Secretary.

(c) In accordance with the State budget, the Special Secretary shall allocate the staff and Office resources to the Ombudsman necessary for the Ombudsman to fulfill the duties of the Ombudsman.

(d) The Ombudsman shall:

(1) assist the procurement officer managing the contract in attempts to resolve disputes between minority business enterprises and prime contractors, including disputes over contract scope and payments;

(2) serve as a resource to minority business enterprise liaisons, procurement officers in units of State government, prime contractors, and minority business enterprises in resolving disputes related to contracts that include a minority business enterprise participation goal; and

(3) conduct trainings for procurement officers in units of State government on enforcement of the requirements of Title 14, Subtitle 3 of the State Finance and Procurement Article, including the assessment of liquidated damages under § 14–303(b)(6) of the State Finance and Procurement Article.

(e) In resolving a dispute under subsection (d) of this section, the Ombudsman may:

(1) compel prime contractors and minority business enterprises to provide documentation related to contract performance and payments; and

(2) assist the procurement officer managing the contract in ordering any relevant payments to be made in conjunction with a dispute resolution.

(f) (1) Except as provided in paragraph (2) of this subsection, when resolving a dispute under subsection (d) of this section, the Ombudsman may not disclose information received from a unit of State government, prime contractor, or

minority business enterprise without the written consent of the party from whom the information was obtained.

(2) The Ombudsman may disclose information received under this section to the assistant Attorney General assigned to the Office.

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